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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,044	09/13/2003	David J. Laverick	702.270	1972
38933	7590	01/04/2006	EXAMINER	
DEVON A. ROLF GARMIN LTD. 1200 EAST 151ST STREET OLATHE, KS 66062			LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,044	Applicant(s) LAVERICK ET AL.	
	Examiner LUU MATTHEW	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 12, 2005 (examiner interview).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 and 15-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/04; 11/04; 11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al (5,859,628) in view of Lewis (GB 2,405,049) or Yaski et al (US 2001/0040109).

Regarding claim 1, Ross discloses (Figs. 1-3) a navigation assembly for use in a vehicle comprising:

A navigational device (Fig. 2 shows a PDA 102 that has the capability of a GPS navigation device) (Column 8, line 64 to column 9, line 2; and column 9, lines 57-67); and this navigational device (PDA 102) is configured to removably fit within a tray (Fig. 3, the cradle 104). The tray (cradle 104) is mounted on the vehicle dashboard (Column 3, line 3 to column 4, line 5).

Ross fails to disclose a carrying case for enclosing the navigational device.

However, Lewis (GB 2,405,049) discloses (Fig. 3) a carrying case or a hard case (40) for carrying a mobile phone or a remote unit such as a PDA or a computer (Page 5,

lines 1-5). This carrying case (40) also includes a GPS navigational device (Page 7, lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the carrying case (40) of Lewis for enclosing the navigational PDA device (102) of Ross to protect the navigational PDA from being damaged when a user wants to carry the navigation device on foot around an unfamiliar city or hiking places.

Yaski (US 2001/0040109), on the other hand, also discloses (Fig. 1) a carrying case with two halves (2 and 22) for enclosing a PDA (26) with added on GPS navigational device (Section 2, the last 7 lines).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the carrying case (2, 22) of Yaski for enclosing the navigational PDA device (102) of Ross to protect the navigational PDA from being damaged when a user wants to carry the navigation device on foot around an unfamiliar city or hiking places.

Furthermore, it is obvious that the carrying case (2, 22) of Yaski can be placed on the vehicle dashboard tray, a cup holder tray, or the right high console tray, etc...

Regarding claim 2, it is well known in the art that a plurality of trays such as vehicle dashboard tray, a cup holder tray, or the driver's right hand console tray can be installed in the vehicle as a container for containing the drivers' articles such as sunglasses, drinking cup, or electronic devices.

Regarding claim 3, Ross further teaches the tray (cradle 104) is mounted on the vehicle dashboard (Column 3, line 3 to column 4, line 5).

Regarding claim 4, Ross discloses (Figs. 1, 4 and 5) the tray (104) includes electrical connections for connecting the navigational device to a power source and data source supplied by the vehicle (Column 3, lines 16-37).

Regarding claim 5, Lewis (GB 2,405,049) discloses (Fig. 3) the carrying case (40) includes a base (42) and a hinged lid (44).

Regarding claim 6, it is obvious that the carrying case (40) of Lewis "may" easily and quickly be removed from the tray (104) of Ross.

Regarding claim 7, Lewis further teaches that the carrying case (40) can function as a tuner, a radio, television, or musical MP3 player (Page 7, lines 17-24). It is well known that these above mentioned electronic devices contain speakers.

Regarding claims 8 and 13, Lewis (GB 2,405,049) discloses (Fig. 3) the carrying case (40) comprises a cellular phone or can function as a tuner, a radio, television, or musical MP3 player (Page 7, lines 11-35; and page 7, lines 17-24). It is well known that these above mentioned electronic devices contain speakers.

Furthermore, whether positioning the electronic devices on the base or on the lid of the case is merely an obvious design choice since it is not a critical function to the navigational device.

Claim Rejections - 35 USC § 103

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross in view of Lewis or Yaski as applied to claim 1 above, and further in view of Ockerse et al (6,928,366).

Regarding claim 14, Ross fails to disclose the structure of the GPS device.

However, Ockerse discloses (Fig. 3) a GPS device includes a navigation component (GPS 118 and magnetic sensor circuit 102), a processor (110), a memory (non-volatile memory 112), a display (heading indicator 114), an input (user input 116), and it is well known in the art that these well known components are assembled in the housing. See column 9, line 40 to column 10, line 30.

Therefore, it would have been obvious to the person of ordinary skill in the art to use the GPS device of Ockerse for the GPS device of Ross to provide a more accurate navigation device.

Response to Arguments

Applicant's election with traverse of Group I and Species I (Fig. 19, carrying case) in the reply filed on November 29, 2005 is acknowledged. The traversal is on the

ground(s) that "Applicant believes all claims read on the elected invention and species". This is not found persuasive because the inventions Group I and Group II are related as product and process of use. In the instant case, the process as claimed can be practiced by another materially different apparatus such as a navigational device being installed in the overhead console.

Furthermore, claims 9-12 of Group I read on species of the embodiment of Fig. 19 (a cradle).

For the above reasons, claims 9-12 and 15-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and species.

The requirement is still deemed proper and is therefore made FINAL.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Badillo et al (US 2004/0206796) disclose a carrying case for carrying navigational GPS device.

-Funk et al (US 2003/0208314) disclose (Fig. 4) a faceplate navigational device.

-Anderson et al (US 2003/0168875) disclose a carrying box (20).

-Russell (6,505,121) discloses (Fig. 1) a tray (28) having a speaker (14).

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-Muramatsu et al (6,477,391) disclose (Fig. 1) a mobile telephone holding device.

-Myers et al (6,102,284) disclose (Figs. 1 and 2) a cradle for holding electronic devices.

-Susko et al (5,996,866) disclose (Fig. 1) a tray (16) for holding a wireless phone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



MATTHEW LUU
PRIMARY EXAMINER